



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#12
BP
2-19-03

Applicant: Sandberg et al.
Serial No.: 09/580,156 Art Unit: 1631
Filed: May 30, 2000
Title: ELASTIN PEPTIDE ANALOGS AND USES THEREOF
Docket No.: 25812-5CIP

U.S. Patent and Trademark Office
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TECH CENTER 1600/2900

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Dear Sirs:

Submitted herewith, enclosed please find the following:

1. A copy of the Notice to Comply; and
2. A substitute diskette containing the correct sequence listing.

In response to the Notice to Comply mailed on January 8, 2003, Applicant herewith submits the sequence listing requested in accordance with 37 C.F.R. 1.825(d). A copy of the Notice to Comply is also enclosed for Examiner's convenience.

The Notice to Comply set a period for response of one month to expire February 8, 2003. Because this Response to Notice to Comply is being filed on or before February 8, 2003, with a proper Certificate of Mailing, this Response is timely filed without extension.

Though no fees are believed to be due, the Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayments to Deposit Account No. 02-2051.

Respectfully submitted,

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP

By: 

W. Scott Harders

Reg. No. 42,629

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200 Public Square

Cleveland, Ohio 44114-2378

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,156	05/30/2000	Lawrence B. Sandberg	97-489-US-P	1346

7590 01/08/2003

Raymond A. Miller, Esq
BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
2300 BP Tower
200 Public Square
Cleveland, OH 44114-2378

EXAMINER

BORIN, MICHAEL L

ART UNIT	PAPER NUMBER
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1631

DATE MAILED: 01/08/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/580156	05/30/2000	Sandberg	97-489-US-P

EXAMINER	
M. BORIN	
ART UNIT	PAPER NUMBER
1631	11

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The communication filed on 11/04/02 is not fully responsive to the communication mailed 5/26/99 regarding the sequence Rules. See Raw Sequence Listing Error Report attached.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of one (1) month from the date of this letter.

NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. 1.136(a) OR (b), BUT THE STATUTORY PERIOD FOR RESPONSE SET IN THE COMMUNICATION MAILED [mail date] MAY BE EXTENDED UP TO A MAXIMUM OF SIX (6) MONTHS UNDER 37 CFR 1.136.

Any inquiry concerning this communication should be directed to Examiner M. BORIN, whose telephone number is (703) 305-4506.

MICHAEL BORIN, PH.D
PRIMARY EXAMINER

mlb 1/7/03

MAILED
JAN 11 2003



Application No.:09/580156

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). A paper copy is in the file but is not in accordance with new Sequence Listing Rules.
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☐ 7. Other: _____

Applicant Must Provide:

- ☒ A substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

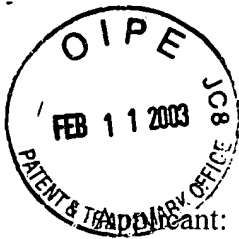
For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

1631/SEQ



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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8*

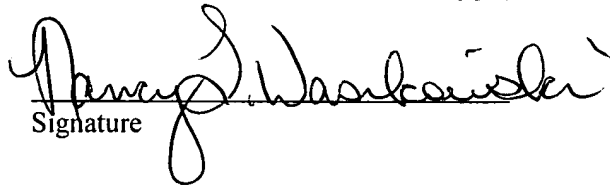
I hereby certify that this Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures is being deposited with the United States Postal Service with sufficient postage as "FIRST CLASS MAIL" in an envelope addressed to: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202.

February 5, 2003

(Date)

Nancy L. Wasikowski

(type or print name of person mailing paper)


Signature

Documents Enclosed:

1. Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
2. A substitute diskette containing the correct sequencing;
3. A self-addressed, stamped postcard, return of which is requested to acknowledge receipt of the Response.